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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARMANDO CHAVEZ,

Defendant.

CASE NO. 1:20-CR-00218-JLT-SKO

STIPULATION TO CONTINUE CHANGE OF
PLEA; ORDER THEREON

Court: Hon. Jennifer L. Thurston

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a CHANGE OF PLEA HEARING on April 10, 2023. By this stipulation, defendant now moves to **continue the change of plea hearing until May 30, 2023 at 10:00 a.m.** before the Hon. Jennifer L. Thurston. Defense counsel represents that Defendant recently had knee surgery, which has hindered counsel's ability to meet with his client prior to the change of plea hearing. Counsel needs the additional time to meet with his client, discuss the case and options, and finalize the plea agreement. The proposed change of plea date represents the earliest date that counsel are available, taking into account counsels' schedules, defense counsels' commitments to other clients, and the court's available dates for a change of plea hearing.

a) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

b) The government does not object to the continuance.

c) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 3, 2023 to May 30, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

2. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: April 3, 2023

PHILLIP A. TALBERT
United States Attorney

By: /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

Dated: April 3, 2023

/s/ Dan Harralson
Attorney for Defendant Armando Chavez

[PROPOSED] O R D E R

The request for the continuance is **GRANTED**. The change of plea hearing is continued to May 30, 2023 at 10:00 a.m.

The time period of April 3, 2023 to May 30, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the

1 Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking
2 such action outweigh the best interest of the public and the defendant in a speedy trial.

3
4 IT IS SO ORDERED.

5 Dated: **April 4, 2023**


UNITED STATES DISTRICT JUDGE